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Globalization, Media Policy and Regulatory Design: Rethinking the Australian Media Classification Scheme

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ABSTRACT

This paper considers the debate about the relationship between globalization and media policy from the perspective provided by a current review of the Australian media classification scheme. Drawing upon the author's recent experience in being 'inside' the policy process, as Lead Commissioner on the Australian National Classification Scheme Review, it is argued that theories of globalization – including theories of neoliberal globalization – fail to adequately capture the complexities of the reform process, particularly around the relationship between regulation and markets. The paper considers the pressure points for media content policies arising from media globalization, and the wider questions surrounding media content policies in an age of media convergence.

KEYWORDS

Globalization; media content; media convergence; media policy; regulation; media classification; government; nation states.

Globalization, Media and Nation-States: Recent Theories of Media Policy

The relationship between globalization, nation-states and public policy remains one of considerable contention, with ongoing debates as to whether globalization weakens the regulatory capacity of nation-states. Early analyses of the rise of the multinational corporation claimed that economic globalization was weakening the policy capacities of national governments (Murray, 1971; Hymer, 1975), and globalization theorists more generally have argued that the governing capacities of nation-states had been significantly constrained by the rise of multinational corporations and global production and communications networks. For example, Manuel Castells (1998, p. 244) proposed that 'the instrumental capacity of the nation-state is decisively undermined by globalization of core economic activities, [and] by globalization of media and electronic communication'. The proposition that globalization is irrevocably weakening nation-states was also found in critical works such as Michael Hardt and Antonio Negri's *Empire*:

> Large transnational corporations have effectively surpassed the jurisdiction and authority of nation-states … the concept of national sovereignty is losing its effectiveness … [as] government and politics come to be completely integrated into the system of transnational command (Hardt and Negri, 2000, pp. 306, 307).

While the proposition that globalization weakens nation-states has been common, it certainly has not gone uncontested. Linda Weiss (1997, 2003) has observed a

persistent tendency in the globalization literature to underestimate the extent to which states adapt to economic globalization, often through policies that actively promote greater economic integration in ways beneficial to local interests. Referring in particular to the 'developmental states' of East Asia, Weiss argued that these national governments were not simply subordinated to the dictates of global finance capital or supranational agencies. Paul Hirst *et. al.* (2009) argued that the metaphor of a 'scalar shift' from national to global governance ignored the extent to which the nation-state remained central to the 'suturing' of relations between local, national, and international levels of governance. The literature on the economic geography of multinational corporations has also typically found that so-called 'global' corporations are in fact nationally-based entities that operate internationally, retaining significant element of their 'home' business culture, and keen to work collaboratively with their 'host' countries (Dicken, 2003). In my own work on global media (Flew, 2007), I found that almost all of the world's largest media corporations, with the exception of News Corporation, were best understood as nationally based firms with international operations, rather than as 'global' corporations.

Globalization theories were displaced to some extent in the 2000s by those proposing the alternative concept of *neoliberal globalization*. It was observed that capitalism has been a global socio-economic system almost since its inception, and it was argued that globalization theories obscured the extent to which, as Arif Dirlik put it, gloablisation was essentially 'the incorporation of societies globally into a capitalist modernity' (Dirlik, 2003, p. 275). In contrast to globalization theories, theories of neoliberal globalization identified corporate power as the primary driver of globalization (Herman and McChesney, 1997; Schiller, 1999). Scholte (2005) defined

the preferred role of the state under neoliberal globalization as one that 'should proceed on first principles of private property and uninhibited market forces [and] regulation should have as its primary—if not sole—function to facilitate and protect private ownership and the "free" operation of supply and demand … Other economic rules and institutions are "political interferences" that undermine market efficiency and should therefore be reduced to a minimum' (Scholte, 2005, p. 1).

In the context of media policy, theorists of neoliberal globalization saw it as being tied to Steger and Roy (2010, p. 14) describe as the wider 'D-L-P formula' of neoliberal governance: 'Deregulation of the economy; Liberalisation of trade and industry; and Privatisation of state assets'. Freedman argued that 'media policy appears to be a rather slippery process that favors those who share an ideological disposition towards markets and free enterprise' (Freedman, 2008, pp. 221, 224), while Hesmondhalgh (2007, p. 135) argued that 'strong traditions of public ownership and regulation … were abandoned or severely limited during the neo-liberal turn'. Miller (2009, p. 94) argued that 'the neo-liberal bequest of creativity has succeeded the old school patrimony of culture ... [and] the progressive goals of social democracy', while Turner (2011, p. 693) identified concepts such as creative industries and convergence culture as marking 'a move from the nation-state to … the global market' and 'a retreat from a commitment to the public good'.

The continuity between earlier theories of globalization and current theories of neoliberal globalization is that all see the current neoliberal turn in media policy as part of a shift away from earlier pluralist notions of media policy that had prevailed in the 1960s and 1970s, although they differ on the relative weightings given to the rise

of multinational corporations as compared to neoliberalism as an ideological formation. In reviewing these theories, it is notable the extent to which they restate longstanding binary oppositions between economic globalization on the one hand and the nation-state on the other, as well as often presenting a lapsarian account of media policy, where a once pluralistic and open public policy domain has now been closed down and held hostage to neoliberal ideologies. In the Australian context, of which Turner writes, a historic parallel to such lapsarianism can be seen in the extended critique of what was known as 'economic rationalism' associated with the sociologist Michael Pusey (Pusey, 1991), as an intellectual precursor of what is now termed neoliberalism. In the media policy domain, theories of economic rationalism held that Australian state agencies that were once committed to nation-building and the public interest had been captured by communications policy bureaucrats more concerned with corporate interests and global markets than with national culture and the public good (Cunningham, 1992; Hawke, 1995; c.f. Flew, 2003, 2006). Curiously, it is now the period of the 1980s and early 1990s that is presented as a "Golden Age" of Australian media and cultural policy by Turner, and the current period as a fall from grace, whereas for Pusey the 1960s and 1970s were the "Golden Age" before economists came to dominate the policy space in the 1980s.

This paper will consider the extent to which contemporary debates in media policy are related to globalization, proposing that such debates are not necessarily framed by a binary opposition between 'public good' regulation and a commitment to pluralism on the one hand, and neoliberal globalization on the other. Globalization is certainly one major factor bearing upon contemporary media policy, as is convergence; what seems odd is the construction of these developments as simply the products of discourse, as

ideological weapons used by the dark forces of neoliberal ideology. The case study that I will be principally drawing upon is the review of Australia's media classification scheme that was undertaken by the Australian Law Reform Commission during 2011-2012, which I led. At the same time, the issues that this Review raises, about the future of media policy and media regulation in the context of globalization and digital convergence, also emerge in other current Australian government media inquiries, most notably the Convergence Review.

The Australian Media Classification Scheme

The National Classification Scheme Review, commissioned by the Attorney-General of Australia, Robert McClelland MP, was the first comprehensive review of censorship and classification in Australia since 1991. The review of Australia's media classification framework was undertaken with an eye to the Federal Labor government's commitment to a National Broadband Network, intended to deliver high-speed broadband to over 90 per cent of Australian homes, schools and workplaces by 2017. In the context of accelerated media convergence, a review of media classification was part of a wider series of reviews of media and communications policy and regulation, with the most notable being the Convergence Review being conducted through the Department of Broadband, Communications and the Digital Economy (DBCDE).

In the terms of reference provided for the National Classification Scheme Review, the Attorney-General required the ALRC to give consideration to matters such as: technological convergence; community expectations in a changing media

environment; future development of the Australian media and digital content industries; classification schemes operating in other jurisdictions; and other Commonwealth, State and Territory laws and regulations relevant to the classification of content (ALRC, 2011). Other factors that the ALRC needed to consider included: the Attorney-General's Department's public consultation on higher-level classifications for computer games; and the scope of the existing Refused Classification (RC) category as it may apply to content prohibited online, in the context of debates about mandatory Internet filtering (Edwards, 2009; Moses, 2011).

Drawing upon analyses of media policy such as van Cuilenburg and McQuail (2003), Napoli (2008) and Freedman (2008), media classification can be understood as a form of media content policy. This distinguishes it from other forms of media policy concerned with media industry structures, infrastructure, competition, ownership and control, or technical standards. As a form of media content policy, media classification relates to community standards, and constitutes an element of the wider legal environment in which media operate, with overlaps with other areas of the law such as obscenity laws and criminal law more broadly.

Following Freedman's (2008, pp. 13-14) tripartite distinction between media policy, regulation and governance, we can see media classification as operating across the spectrum from formal media policy to more informal frameworks for media governance. A review of media classification needs to consider: the goals and norms that underpin relevant media legislation (media policy); the operations and activities of specific agencies that have responsibility for overseeing legislation and managing media policy instruments (media regulation); and the media institutions and

instruments – formal and informal, national and supranational, public and private, large-scale and smaller-scale – that govern conduct (media governance). Extending the governance perspective on media policy further, Livingstone *et. al.* have proposed media policy can be understood by drawing upon Michel Foucault's concept of governmentality, which they understand as involving 'a diverse range of regulatory practices by which social control is sought through the deployment of devices for gathering intelligence, establishing standards, applying categories and monitoring effects, as well as enforcement' (Livingstone *et. al.*, 2007, p. 615).

In the Australian context, classification has not historically been a direct element of media policy. Under Section 51 of the *Constitution of Australia* (1901), the states granted the Commonwealth powers over 'postal, telegraphy, telephonic and other like services', which has been interpreted as giving the Federal government exclusive powers over broadcasting and telecommunications; these powers were extended in the 1990s to include all relating to the Internet. The Commonwealth can also use its trade and commerce powers under Section 51 (i) to restrict or prohibit the importation of books, films and videotapes, and its territories powers under Section 122 to establish national censorship and classification schemes.

The constitutional framework has generated three levels of fragmentation in the Australian media classification scheme: (1) between the states and the Commonwealth, with different classification laws and enforcement criteria to exist between states; (2) between departments and areas of legislation, particularly between communications departments and agencies on the one hand, and the Attorney-General's Department on the other; and (3) between the territories (the Australian

Capital Territory (ACT) and the Northern Territory), where Commonwealth laws can apply, and the states, which have discretion around adopting complementary legislation to Commonwealth. The last of these areas has come to be particularly significant, as the failure to get national agreement in the 1980s on the national availability of "X"-rated material – a category exclusively concerning sexually explicit material – has meant that pornography is legally available to distribute or sell in the ACT and the Northern Territory, but is banned or otherwise restricted to varying degrees in the rest of Australia.

Prior to the 1960s, Australia had a strict censorship regime, with the Commonwealth Chief Censor having fairly unrestricted powers to prohibit the importation of books or films deemed to: (1) be blasphemous, indecent or obscene; (2) unduly emphasize matters of sex, horror, violence, or crime; or (3) be likely to encourage depravity. The liberalization of censorship laws following the 1968 *Crowe v Graham* case involved adopting what has come to be known as the *community standards* test, based on whether material offends against contemporary community standards or 'the modesty of the common man', rather than the capacity of the content itself 'to deprave or corrupt'. In 1971, an adults-only "R" classification was introduced for films, and the Whitlam Labor Government, elected in 1972, established a new classification framework based on three principles: (1) adults should be free to read, view and hear what they wish; (2) children should be protected from material that may cause harm; and (3) all should have some protections from materials likely to offend. It was on the basis of these principles that the modern Australian classification system was established, working on a sliding scale of classifications from material for general

exhibition, to age-based restrictions, to material that is refused classification or banned (Flew, 1998).

A major review of censorship and classification was conducted by the ALRC in 1991 (ALRC, 1991). In its report, the ALRC recommended that common national classification guidelines be established, and that a national Classification Board should have primary decision-making responsibility in the area. While the ALRC's recommendations were generally accepted, and a new *Classification Act* came into being in 1995, there were two significant areas where the framework adopted continued to present difficulties. First, there was the failure to achieve agreement among the states and territories on the introduction of an "X" classification for sexually explicit material.[1] Second, the period between the release of the ALRC's report and the passing of the Classification Act saw a "moral panic" emerge around the potential impact of computer games, leading to the decision to refuse an "R" classification to computer games. The resulting problems arising from the absence of such a classification has meant that games that would otherwise be for adults only have been Refused Classification in Australia; a category reserved for illegal, abhorrent or offensive material. Under the cooperative agreement between the states and the Commonwealth, this matter has taken over a decade to resolve, with the states and territories finally agreeing to such a category being introduced in mid-2011, and Federal legislation passing both Houses of Parliament in 2012.

The 1990s saw a transformation of broadcasting policy in Australia, with the *Broadcasting Services Act 1992* coming into force in 1993, replacing the 50-year old *Broadcasting Act*. The *Broadcasting Services Act* (BSA) expressed a commitment to

'light touch' regulation, and established a co-regulatory framework for Australian broadcast media. This meant devolving responsibility for program classification and the handling of complaints to industry bodies, through the development of industry codes of practice approved and registered with what was the Australian Broadcasting Authority, and is now the Australian Communication and Media Authority (ACMA), a convergent media regulator.

In the late 1990s, the co-regulatory framework was extended to the Internet with the *Broadcasting Services Amendment (Online Services) Act* 1999, which established the legislative framework for online content regulation in Australia. It enabled a code to be developed, that was administered by the Internet Industry Association, combined with a complaints-based mechanism for content assessment focused more specifically – if somewhat confusingly – on 'higher level' online content.[2] In contrast to the co-regulatory scheme as it has applied to broadcasting, the extension of the BSA to online content has always been highly contentious (Coroneos, 2008; Crawford and Lumby, 2011). This is due in part to much greater 'free speech' concerns applying to the Internet, but also due to concerns that the legislation itself is confusing, and it places unreasonable legal burdens on Internet Service Providers (ISPs), while doing little to effectively regulate content accessed from outside Australia. More generally, by approaching online content in a manner akin to that of broadcasting, critics have argued that there has been a basic category confusion of media types, between centrally distributed mass media such as radio and television, and the dynamic, niche-oriented and more user-driven Internet environment (Moses, 2011).

The ALRC Recommendations for Classification Reform

The ALRC's Report on the National Classification Scheme, *Classification – Content Regulation and Convergent Media* (ALRC, 2012), has argued that the existing classification framework is fragmented, applies inconsistent regulations to similar media content across different platforms, and fails to operate effectively in relation to areas such as "X" content, where its provisions have become effectively unenforceable. The ALRC saw the existing 'co-operative' scheme between the Federal, state and territory governments as cumbersome, uneven in its application of laws and regulations, and resistant to change. The costs and regulatory burden of the current classification framework operate very unevenly across industries, and are poorly aligned to community standards and expectations.

In developing its proposals for a new National Classification Scheme, the Australian Law Reform Commission highlighted *platform neutrality*, or the idea that policy approaches to media content should not be platform-specific, as a key guiding principle. The ALRC argued that such an approach minimises the anomalies and inconsistencies of the current scheme, as well as making the framework more adaptive for future developments in media technologies, products and services. The aim is to move beyond the existing platform-based approaches to media content regulation in Australia, which have been described as 'like a bowl of spaghetti ... complex, tangled and, from a media user point of view, impossible to tell which bit of media content connects to which regulatory framework' (Lumby, 2011).

A new *Classification of Media Content Act* has been proposed, that would draw together existing legislation that apply to media content, that includes publications, films and computer games currently subject to the *Classification Act*, broadcast and subscription television content currently regulated under the *Broadcasting Services Act*, and online and mobile content currently subject to Schedules 5 and 7 of the *Broadcasting Services Act*. The new scheme also proposes a significant extension of co-regulation based upon industry codes of practice approved by a government regulator. Such a framework is generally considered to have worked reasonably effectively in broadcasting, as seen by a relatively static number of complaints over time, and as providing efficient and timely mechanisms for responding to complaints.

The intention behind extending industry co-regulation to areas such as computer games and home-based entertainment is that these codes would assist in the interpretation and application of statutory classification categories and criteria, as well as providing additional flexibility to the regulatory scheme. Industry classification and the extended use of codes will assist classification regulation to be more responsive to technological change and adaptive to new technologies, platforms and services. It also provides the basis for greater 'buy-in' by industry players to the classification scheme, thereby allowing industry knowledge to be directly applied to addressing consumer issues, and building greater trust and knowledge sharing among content providers, distributors and users (ACMA, 2010). In such a framework, the government regulator would provide a critical 'back stop' to the scheme in order to prevent abuse of the co-regulatory scheme by industry participants not concerned with the public interest.

One of the thorniest questions relating to the future of media classification concerns the online environment. It is commonly pointed out that any framework that does not address the Internet applies different criteria to broadly similar content, and has an ever-shrinking domain of application, as digital media displaces tangible media. In developing the new scheme, the ALRC has sought to recognise that classification is not the only response to concerns about media content, including those about protecting children from material likely to harm or disturb them. One role that classification continues to play is that of providing information about content to parents in relation to what is age-appropriate for their children. It is acknowledged that the vast bulk of online content will never be classified, and does not need to be classified, even if it would most likely be rated R18+, as long as access to the content is restricted where it is only suitable for adults. What steps are reasonable to take to restrict access will depend on the delivery platform and may be a matter dealt with in industry codes. In many cases, access restrictions will be dealt with by service providers themselves, such as the content classifications undertaken by Apple for its *iTunes* store, or the user-driven 'flagging' process used by Google for *YouTube*.

The ALRC's approach responds to the reform principle that classification regulation should be kept to the minimum needed to achieve a clear public purpose. At the same time, the view has been taken that the Internet in and of itself does not negate the concept of community standards, or provide a rationale for abandoning any form of restrictions on media content. The ALRC would expect both industry and government agencies to play an important role in assisting consumers to manage their own access to media content, and be able to protect children and others in their care, noting that

regulation is not a substitute for either parenting or responsible provision of online content and services.

An obvious point in considering whether classification decisions align with community expectations is how we determine what those expectations are. At the level of content, the ALRC continues to require the classification of all feature films for public release, not because of the transcendent powers of the darkened room of the cinema, but because it provides a continuing basis for some form of benchmarking against other media. In that light, the ALRC has proposed that films for cinema release and computer games likely to be classified MA15+ or above continue to be classified by the Classification Board. In addition, a pilot study has been conducted into community attitudes towards material that is currently Refused Classification in order to determine whether this category operates in too broad a manner relative to the expectations of the Australian community. In terms of the standards themselves, the ALRC has envisaged a comprehensive review of prevailing community standards towards media content in Australia would also be undertaken, that would draw upon quantitative and qualitative social research methodologies and undertaken by independent experts. Over time, the development of longitudinal research findings may reduce the need for content-based benchmarking.

Globalization and Media Content Regulations: Identifying the Pressure Points

Major issues for media classification arise from the shift from *tangible media* (e.g. films, TV programs, DVDs, console-based computer games, publications) to *digital media*. Digital media content is typically not nationally-based, is sourced, distributed and accessed globally, and is available in such volumes that government pre-classification of content is no longer possible. With media convergence, all media becomes digital, so that regulations applied exclusively, or even primarily, to tangible media apply to an ever-diminishing proportion of total media content. Moreover, one of the risks of trying to extend traditional command-and-control regulatory instruments into the digital space, or applying them more rigorously to those media platforms where they have traditionally operated, is that 'local providers, who are more easily caught by the regulatory reach of government, could be indirectly competitively disadvantaged by regulatory intervention' (Telstra, 2011). What we find, therefore, is that the challenge of regulating in the context of media globalization is a sub-set of the wider challenge of content regulations in an era of media convergence where 'new developments do not imply that existing regulations need to extend their coverage over other platforms and services' (OECD, 2007, p. 18).

Three pressure points that emerge at this confluence of media convergence and globalization are important to note:

1. The vast array of digital content, from movies and TV programs to apps and mobile games, distributed and purchased from international platforms such as Apple's *iTunes* Store and Google Market;
2. The huge volume of media content, much of it user-generated, that is distributed from social media platforms such as *YouTube* and *Facebook*;
3. The one trillion-plus URLs that exist on the World Wide Web.

None of the challenges presented here are unique to any single country. In thinking through possible regulatory responses that have the scope to harmonize nationally based classification regimes with globally circulated digital content, there are some rules of thumb that can be applied to this material.

The first point to note is that there is only limited demand for classification below certain threshold levels. While there is continued value attached to classification categories below those where content may be restricted, the function is largely an informational one, as with parents seeking information about media content that is suitable for their children. The ALRC has taken the view that content that is below the level of R18+ is not expected to be classified, except in the specified cases of feature films, broadcast television and computer games.

The second issue relates to the scope that exists for *deeming* provisions to be applied to content classified elsewhere. In the games area, for example, two widely used classification systems are the Entertainment Software Ratings Board (ESRB) classifications in the United States, and the Pan European Games Information (PEGI)

system operating in the European Union. As games circulate in a global market, and as the shift from console-based to online and mobile gaming is dramatically reducing the time spent getting games to market, the ALRC has recommended that the Federal government consider deeming such content to have an equivalent Australian classification where it has been classified through an approved system. The other area where deeming questions arise relates to applications, including games, accessed from global online "stores" such as the Apple iTunes Store or Google Market. Ongoing negotiations with these global platforms are likely to be a key part of any future national classification scheme, and the ALRC has identified merit in the Federal government working with such providers on classification guidelines, in order to provide greater certainty to content developers seeking to make their digital products available worldwide.

Finally, there is the perennial question of regulating Internet content. The myriad difficulties that present themselves with schemes to regulate Internet content are well known, and include the scope for over-blocking, risks to political speech, potential impacts on search and download speeds, regulatory arbitrage by Internet Content Hosts and ISPs in terms of where to locate their servers, and the danger of discouraging more direct user responsibility for managing content – such as the use of child-friendly filters in the home – on the basis of a false assumption that governments have 'solved' cyber-safety issues through mandatory Internet or ISP-level filtering. At the same time, the debate has been moving on from the earlier cyber-libertarian premise that any attempts to restrict access or block the availability of some content on the Internet are *prima facie* immoral and wrong. As legal scholar Lilian Edwards has observed:

> The cyber-libertarian tendency had retreated and it had become well established that nation states had both the right to regulate, and an interest in regulating, the Internet, and in particular, an interest in protecting children – as the Internet ceased to be the plaything of only academics, researchers and geeks, and became part of daily social and family life (Edwards, 2009, p. 626).

In terms of the wider Internet, the ALRC has proposed significantly narrowing the scope of the current Refused Classification category, to a Prohibited Content category closer to the scope of the criminal law. This change would recognise the distinction that exists between material that is illegal in terms of the activities depicted, and that which has been deemed to give 'offence' to a 'reasonable adult'. The advantage of such an approach is that it better aligns domestic enforcement activities with those of international agencies, while recognising that the question of common community standards may be an artefact of an era of relative media content scarcity, whereas we now live in an age of media content abundance.

The question is whether such a change would be in line with expectations in Australia about how a media classification scheme should operate in the 21st century. The bulk of the submissions received by the ALRC suggest that a narrowing of the scope of the RC category would be appropriate, albeit with a significant minority who are strongly opposed to a change. A pilot study was undertaken during the inquiry into community attitudes to higher-level content depicting strong violence or sexually explicit material (Urbis, 2011), and the ALRC has recommended longitudinal studies be undertaken

into community attitudes towards various forms of media content containing classifiable elements (sex and nudity, violence, drug use etc.).

Conclusion

This paper has outlined aspects of the Australian media classification scheme, and recommendations of the ALRC for its reform. It has done so in the context of considering how questions of regulatory design impact upon the relationship between media content that is increasingly digital and global, and delivered through convergent media platforms, and media content regulations applied on a national basis, and are typically platform-based.

It has been argued that while the globalization of media complicates the policy task of media content regulation, it does not negate its ongoing significance. Policy-makers worldwide are dealing with the challenges of media globalization, digitization and convergence, so there is a need for a more multi-faceted appraisal of the role played by state agencies in shaping media ecologies than a simple story of a scalar shift from national to global media. As Linda Weiss (2003) has indicated in the wider context of policy studies, there is a need to bring domestic institutions back in to discourses that surround globalization.

The paper has also suggested that theories of neoliberal globalization, which point to a capture of state agencies by dominant corporate elites, are also wanting. Too often,

media policy discourses are being interpreted through a pre-existing ideological frame, through which they are always found to be functional to serving dominant interests. This paper has argued that, to the extent that there is a turning away from top-down regulatory models towards co-regulation and greater use of market instruments in media policy, it is as much a recognition of the need to respond to a far more complex institutional and technological environment in the 21st century than was the case for nationally-based media systems in the 20th century. An important part of this shift has also been the changing demands of the public, as both consumers and citizens, as they seek less nation-state regulation in an age of ever-growing media content abundance. How to maintain the principles of media content regulation, while adapting policy instruments and the roles and responsibilities of different public and private sector institutional agents, is an important case study in the politics of media policy and regulatory design.

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[1] Although it is obviously difficult to get reliable figures, it is commonly estimated that 25-33 per cent of Australians consume some form of "X'-rated material in a year (McKee *et. al.*, 2007).

[2] Schedule 7 of the BSA defines 'prohibited' or 'potentially prohibited' content, which is generally taken to refer to content that has been or would be classified as "X" or Refused Classification. In some instances, content classified "R 18+" or even "MA 15+" can be subject to the provisions of Schedule 7, if it is deemed not to have been subject to a 'restricted access system' that would – at least in principle – limit its access to minors.